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| File Number:  | 109927/130487  |                         |          |
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| <input type="checkbox"/> I am the:<br><input type="checkbox"/> Applicant/Inventor.<br><input checked="" type="checkbox"/> Assignee of record of the entire interest. See 37 CFR 3.71.<br><i>Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</i>   |                     |                         |                     |         |      |      |       |         |     |           |     |
| SIGNATURE of Applicant or Assignee of Record  |                     |                         |                     |         |      |      |       |         |     |           |     |
| Name  | Craig G. Elsion     |                         |                     |         |      |      |       |         |     |           |     |
| Signature   |                     |                         |                     |         |      |      |       |         |     |           |     |
| Date  | 10/11/05            |                         |                     |         |      |      |       |         |     |           |     |
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PAGE 37 \* RCVD AT 7/5/2005 2:35:06 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:2062920460 \* DURATION (mm:ss):05:38

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Attorney's Docket No.: 109922-130487 Atty/Sec: ATA/mjt  
 Application No.: 09/834,476 Filing Date: April 16, 2001  
 Title: SECONDARY DATA ENCODED ALONG WITH ORIGINAL GENERATING RESPONSES TO REQUESTS FROM WIRELESS DEVICES  
 Client: Action Engine Corporation Inventor(s): Brian C. Roundtree  
 Date Mailed: 11/15/02 Docket Date: \_\_\_\_\_  
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|--|---------------------|--------------|--------------|
| Attorney's Docket No.:   | 109927-1304         | Initials:    | ATA/cah/ylc  |
| Application No.:   | 09/783,608          | Filing Date: |              |
| Title: <b>SECONDARY DATA ENCODED ALONG WITH BASED ORIGINAL DATA FOR GENERATING RESPONSES TO REQUESTS FROM WIRELESS DEVICES</b> |                     |              |              |
| Client:  | Action Engine Corp. | Inventor(s): | Meyer et al. |
| Date Mailed:   | 12-15-04            | Docket Date: |              |

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IPG No. P016





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**NOTICE**

**In re Application of  
 Meyer et al  
 Application No. 09/834,649  
 Filed: April 16, 2001  
 Attorney Docket No. 12084**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

There is no indication that the person signing the instant notification was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Application No. 09/834,649

-2-

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

CC:

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